

22 September 2014

Nathan Harris
Assistant Director – NSW Section
South-Eastern Australia Environment Assessments
Department of the Environment
GPO Box 787
Canberra ACT 2601

Dear Nathan,

Your Ref: EPBC 2011/5854

Title: Sapphire Wind Farm, Inverell and Glen Innes, NSW

Introduction

As the Department of the Environment (the **Department**) is aware:

1. the Sapphire Wind Farm (the **Project**) was initially referred to the then Minister for Sustainability, Environment, Water, Population and Communities (**Minister**) for a determination as to whether or not it was a controlled action under the *Environment, Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) by CWP Renewables Pty Ltd (then known as Wind Prospect CWP Pty Ltd) in May 2011 (**Referral**);
2. on 31 March 2011 a determination was made:
 - that the Project requires approval under the EPBC Act; and
 - that the Project be assessed via an accredited assessment process under Part 3A of the Environmental Planning and Assessment Act 1979 (NSW) (**EP&A Act**).
3. the Department has since been assessing the Project in accordance with the EPBC Act under the accredited assessment process.

This letter is prepared as:

1. Notification under section 156F of the EPBC Act that:
 - CWP Renewables Pty Ltd no longer proposes to carry out the Project; rather
 - it is proposed that the Project will be carried out by:
 - SWF1 Operations Pty Ltd (ACN 601 425 316);
 - SWF2 Operations Pty Ltd (ACN 601 425 325); and
 - SWF3 Operations Pty Ltd (ACN 601 425 334).
2. A formal request under Division 1A of Part 11 of the EPBC Act to vary the detailed description of the Project contained in the Referral to incorporate the amendments to the Project described in:
 - the Environmental Assessment Report prepared for the Sapphire Wind Farm by Wind Prospect CWP Pty Ltd and dated November 2011 (**EA**); and

- the Preferred Project and Response to Submissions Report prepared for the Sapphire Wind Farm by Wind Prospect CWP Pty Ltd and dated May 2012 (**PPR**).

Further details relating to each of these matters are set out below.

Change of person proposing to take action

As discussed with the Department, it is currently proposed that project will be constructed in stages, with different stages of the project being carried out by:

- SWF1 Operations Pty Ltd (ACN 601 425 316);
- SWF2 Operations Pty Ltd (ACN 601 425 325); and
- SWF3 Operations Pty Ltd (ACN 601 425 334).

A letter signed by the appropriate signatories confirming the transfer from CWP Renewables to the three companies listed above can be found as an attachment to this letter.

Request to vary proposal to take an action

Whilst the Department has been heavily involved in the ongoing assessment of the Project under Part 3A of the EP&A Act, being the accredited assessment process applying to the Project, it has come to the attention of the proponent that the description of the Project contained in the Referral has been updated by that contained in the EA and PPR.

Accordingly, in order to prevent any possible confusion as to the description of the Project for which approval is being sought under the EPBC Act, this letter constitutes a formal request under Division 1A of Part 11 of the EPBC Act to vary the detailed description of the Project contained in the Referral to that contained in the EA and PPR.

The formal matters required by regulation 5.08 of the Environment, Protection and Biodiversity Conservation Regulations 2000 are set out below:

(a) details of the proposed variation to the action

The proposed variations seek to substitute the description of the Project contained in the Referral with the updated detailed description of the Project contained:

- Chapter 10, Flora and Fauna Assessment and Appendix 11, Ecological Assessment of the EA; and
- Chapter 4, Flora and Fauna Response and Chapter 5, Revised Statement of Commitments of the PPR.

(b) the reasons for the proposed variation

As outlined above:

- the description of the Project was refined between the date on which the Referral was made and the date on which the EA and PPR were prepared; and
- the Department has been assessing the Project on the basis of the updated description of the Project contained in the EA and PPR.

The variation seeks to update the description of the Project to reflect the assessed project under the EA and PPR so as to avoid any potential confusion as the Project for which approval is being sought under the EPBC Act.

(c) how the impacts of the proposed variation on matters of national environmental significance compare with those of the original proposal

The impacts of the proposed variation are considered to be comparable to the impacts of the original proposal.

The Project as described in the EA and the PPR was subject detailed assessment as reported in the EA and PPR, including in relation to its impacts on matters of national environmental significance.

The additional information which has also been provided to the Department to assist with its assessment also relates to the Project as described in the EA and the PPR.

(d) if applicable, the impacts of the proposed variation on matters of national environmental significance not considered in the referral or assessment of the original proposal

Not applicable. As outlined above, the Project as described in the EA and the PPR was subject to detailed assessment as reported in EA and the PPR, including in relation to its impacts on matters of national environmental significance.

(e) if applicable, alternatives, mitigation measures and offsets to compensate for additional impacts on matters of national environmental significance

Not applicable. As outlined above, the Project as described in the EA and the PPR was subject to detailed assessment as reported in the EA and the PPR, including in relation to its impacts on matters of national environmental significance. The mitigation measures proposed in the EA and the PPR remain applicable to the Project as described in the EA and the PPR.

Please do not hesitate to contact myself or Ed Mounsey (0428 998311) should you have any queries regarding the matters set out in this letter.

Regards,



Adrian Maddocks

Senior Development Manager

Enc: Signed transfer letter

12 September 2014

Sapphire Wind Farm EPBC Approvals (EPBC 2011/5854)

The Directors
SWF1 Operations Pty Ltd

The Directors
SWF2 Operations Pty Ltd

The Directors
SWF3 Operations Pty Ltd

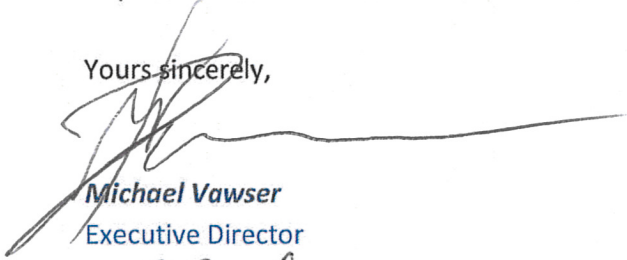
Dear Sirs,

CWP Renewables Pty Ltd (**CWPR**), formerly known as Wind Prospect CWP, is currently listed as the person proposing to take an action in relation to the referral under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) (**the Act**) for the Sapphire Wind Farm (**the EPBC referral**).

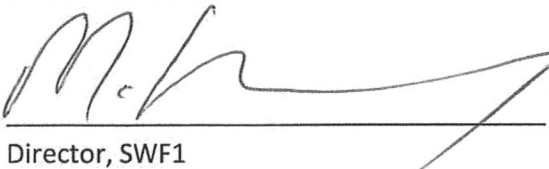
I am writing to obtain the written consent of SWF1 Operations Pty Ltd (**SWF1**), SWF2 Operations Pty Ltd (**SWF2**) and SWF3 Operations Pty Ltd (**SWF3**) to change the person proposing to take an action under the EPBC referral from CWPR to SWF1, SWF2 and SWF3, in accordance with section 156F of the Act.

Please indicate your agreement to the change by signing below. This letter will be provided to the Department of the Environment to evidence SWF1, SWF2 and SWF3's agreement to the change.

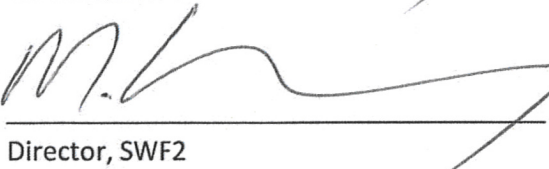
Yours sincerely,



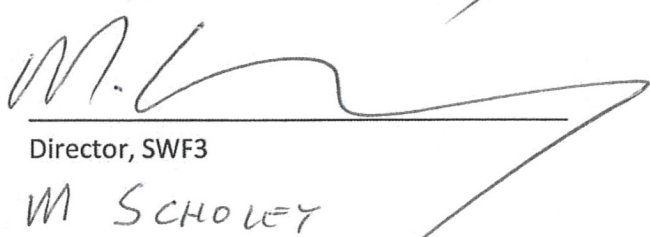
Michael Vawser
Executive Director



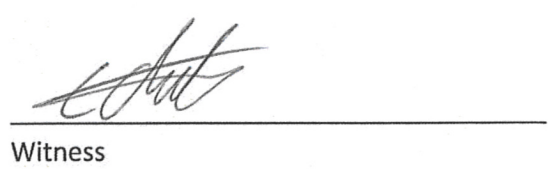
Director, SWF1



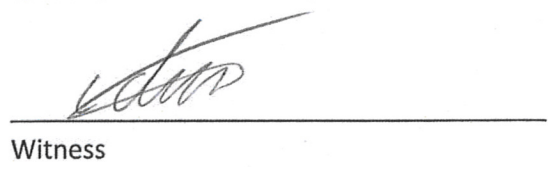
Director, SWF2



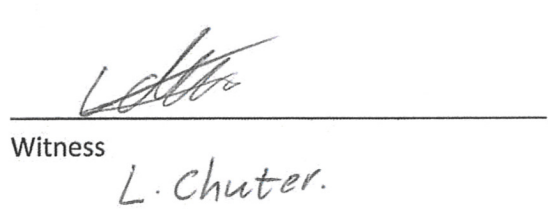
Director, SWF3
M SCHOLEY



Witness



Witness



Witness
L. Chuter.